



MICHAEL W. DOBBINS
CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

312-435-5670

October 21, 2004

Clerk of Court
District Court of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston MA 02210

Re: Turner vs. Filipowski
USDC No.: 03 cv 7670

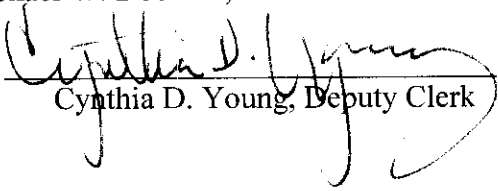
Dear Sir or Madam:

Enclosed is the certified record which is being transferred to your court pursuant to an order entered by the Honorable Samuel Der-Yehgiayan dated October 7, 2004.

Please acknowledge receipt of the record on the enclosed copy of this letter.

Sincerely yours,

Michael W. Dobbins, Clerk

By: 
Cynthia D. Young, Deputy Clerk

Enclosure(s):

New Case No. _____

Date OCT 28 2004

04-12294 RMG

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TRANSF

U.S. District Court
Northern District of Illinois (Chicago)

CIVIL DOCKET FOR CASE #: 03-CV-7670

Turner, et al v. Filipowski, et al
Assigned to: Hon. Samuel Der-Yeghiayan
Demand: \$0,000
Lead Docket: None
Dkt # in Cir Ct of Cook Co : is 03CH16302

Filed: 10/29/03
Jury demand: Both
Nature of Suit: 850
Jurisdiction: Federal Question

Cause: 28:1441 Petition for Removal

MIKE TURNER, On Behalf of
Himself and All Others
Similarly Situated
plaintiff

Patrick J. Sherlock
[COR NTC]
Attorney at Law
11 South LaSalle Street
Suite 1600
Chicago, IL 60603
(312) 683-5575

Marc M Umeda
[COR LD NTC A]
Bradley R Matthews
[COR]
Robbins Umeda & Fink, LLP.
1010 Second Avenue
Suite 2360
San Diego, CA 92010
(619) 525-3990

v.

ANDREW J FILIPOWSKI
defendant

Bruce S. Sperling
[COR LD NTC A]
Celiza Patricia Braganca
[COR]
Adam P. Merrill
[COR]
Thomas David Brooks
[COR]
Daniel A. Shmikler
[COR]
Sperling & Slater
55 West Monroe Street
Suite 3200
Chicago, IL 60603
(312) 641-3200

Docket as of October 21, 2004 2:43 pm

A TRUE COPY-ATTEST	
MICHAEL W. DOBSON, CLERK	
By	<i>Cynthia [Signature]</i>
Page	1
U.S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS	
DATE:	10/4/04

Proceedings include all events.
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MICHEAL P CULLINANE
defendant

PAUL L HUMENANSKY
defendant

TOMMY BENNETT
defendant

JOHN COOPER
defendant

JAMES E COWIE
defendant

MICHAEL H FORSTER
defendant

ARTHUR W HAHN
defendant

THOMAS J MEREDITH
defendant

J KEVIN NATER
defendant

JOHN RAU
defendant

Proceedings include all events.

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10/29/03 1 NOTICE OF REMOVAL by defendant Andrew J Filipowski from Circuit Court of Cook County with copy of Complaint, case no. 03CH16302; jury demand - Civil cover sheet - Appearance(s) of Daniel A. Shmikler, Thomas David Brooks, Adam P. Merrill, Bruce S. Sperling, Patrick J. Sherlock as attorney(s) for defendant Andrew J Filipowski (Documents: (1-1 through 1-3)) (aga) [Entry date 10/30/03]

10/29/03 -- RECEIPT regarding payment of filing fee paid; on 10/29/03 in the amount of \$ 150.00, receipt # 10416399. (aga) [Entry date 10/30/03]

10/30/03 -- MAILED Rule 77(d) letter to Patrick J. Sherlock with appearance form. (aga) [Entry date 10/30/03]

10/31/03 -- SCHEDULE set on 10/31/03 by Hon. Samuel Der-Yeghiayan : Initial status hearing set before Judge Samuel Der-Yeghiayan in courtroom 1719 for 01/13/04 at 9:00 a.m. The parties are directed to file an initial status report and Form 35 as provided by this order no later than 3 days prior to the initial status hearing and deliver courtesy copies to this Court's chambers. (See Reverse of Scheduling Order for Further Details.) Mailed notice (mw) [Entry date 10/31/03]

11/3/03 2 ATTORNEY APPEARANCE for plaintiff Mike Turner by Marc M Umeda, Bradley R. Matthews, Patrick J. Sherlock. (aga) [Entry date 11/04/03]

11/26/03 3 MOTION by plaintiff to remand or to abstain; Memorandum of points and authorities in support thereof; Notice. (aga) [Entry date 12/09/03]

12/8/03 4 MINUTE ORDER of 12/8/03 by Hon. Samuel Der-Yeghiayan : Plaintiff's motion to remand [3-1] or to abstain [3-2] is entered and continued. Defendants are given until 01/08/04 to file their response to the plaintiff's motion to remand [3-1] or to abstain [3-2]. The plaintiff is given until 01/15/04 to file his reply in support. Status hearing set for 1/13/04 is stricken and reset to 3/8/04 at 9:00 a.m. Mailed notice (aga) [Entry date 12/09/03]

1/8/04 5 MOTION by defendant Andrew J Filipowski for leave to file instant a memorandum in excess of 15 pages (Attachment); Notice. (air) [Entry date 01/13/04]

1/9/04 6 MINUTE ORDER of 1/9/04 by Hon. Samuel Der-Yeghiayan: Defendants' motion for leave to file instant their response to the plaintiff's motion to remand in excess of 15 pages is denied. Mailed notice (air) [Entry date 01/13/04]

1/12/04 7 MOTION by defendant Andrew J Filipowski for leave to file instant response to motion to remand (Attachment). (air)

Proceedings include all events.

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[Entry date 01/13/04]

1/12/04 8 NOTICE by defendant Andrew J Filipowski of motion for leave to file instanter response to motion to remand [7-1]. (jmp)
[Entry date 01/14/04]

1/13/04 9 MINUTE ORDER of 1/13/04 by Hon. Samuel Der-Yeghiayan :
Defendant Filipowski's motion for leave to file instanter [5-1] his response to the plaintiff's motion to remand [3-1] is granted. The plaintiff is given until 01/20/04 to file his reply in support of his motion to remand. Status hearing set for 03/08/04 to stand. Mailed notice (jmp)
[Entry date 01/14/04]

1/20/04 10 REPLY by plaintiff Mike Turner to defendants' response to motion to remand [3-1]. (gma) [Entry date 01/21/04]

3/4/04 -- SCHEDULE set on 3/4/04 by Hon. Samuel Der-Yeghiayan :
Status hearing set for 03/08/04 is reset to 3/23/04 at 9:00 a.m. Telephoned and Mailed notice (mw)
[Entry date 03/04/04]

3/22/04 -- SCHEDULE set on 3/22/04 by Hon. Samuel Der-Yeghiayan :
Status hearing set for 03/23/04 is reset to 5/5/04 at 9:00 a.m. Telephoned and mailed notice (mw) [Entry date 03/22/04]

5/4/04 -- SCHEDULE set on 5/4/04 by Hon. Samuel Der-Yeghiayan :
Status hearing set for 05/05/04 is reset to 6/22/04 at 9:00 a.m. Mailed and telephoned notice (mw)
[Entry date 05/04/04]

6/21/04 -- SCHEDULE set on 6/21/04 by Hon. Samuel Der-Yeghiayan :
Status hearing set for 06/22/04 is reset to 7/28/04 at 9:00 a.m. Telephoned notice (mw) [Entry date 06/21/04]

7/28/04 11 MINUTE ORDER of 7/28/04 by Hon. Samuel Der-Yeghiayan:
Status hearing held and continued to 9/22/04 at 9:00 a.m. The parties are given until 8/29/04 to file a joint memorandum relating to the issues of remanding the case to a Bankruptcy Judge as stated on the record. Mailed notice (jxm) [Entry date 07/29/04]

8/9/04 12 MINUTE ORDER of 8/9/04 by Hon. Samuel Der-Yeghiayan:
Status hearing set for 9/22/04 is reset to 10/7/04 at 9:00 a.m. The parties are ordered to submit briefings addressing whether this court should transfer this case to the District of Massachusetts pursuant to 38 U.S.C. 1412 and whether or not this case is related to the bankruptcy proceedings in that district. The parties must file the briefs by 9/2/04. Each side may then respond to briefs filed by an opposing party by 9/16/04. All pending motions are denied without prejudice [3-1] [3-2]. Mailed notice (jxm)
[Entry date 08/11/04]

Proceedings include all events.

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9/2/04	13	MEMORANDUM by plaintiff addressing the court's question whether this action can be transferred to the District of Massachusetts pursuant to 28 U.S.C. 1412. (jxm) [Entry date 09/03/04]
9/2/04	14	OPENING BRIEF by defendants regarding potential transfer of this case to the District of Massachusetts (Attachments); Notice. (jxm) [Entry date 09/07/04]
9/16/04	15	MEMORANDUM OF POINTS by plaintiff and authorities in reply to defendants briefing on whether this action can be transferred to the District of Massachusetts pursuant to 28.U.S.C. 1412. (jxm) [Entry date 09/21/04]
9/16/04	16	RESPONSE BRIEF by defendants Andrew J Filipowski, Micheal P Cullinane and Paul L Humenansky regarding potential transfer of this case to the District of Massachusetts (Attachments). (jxm) [Entry date 09/21/04]
10/7/04	17	MINUTE ORDER of 10/7/04 by Hon. Samuel Der-Yeghiayan: For the reasons stated on the reverse side of this minute order, this matter is hereby transferred to the U.S. District Court of Massachusetts terminating case. Case transferred to Dist of: Massachusetts. (See reverse of minute order.) Mailed notice (cdy) [Entry date 10/08/04]
10/7/04	18	ENTERED JUDGMENT (cdy) [Entry date 10/08/04]
10/7/04	19	ATTORNEY APPEARANCE for defendant Andrew J. Filipowski by Celiza Patricia Braganca (cdy) [Entry date 10/08/04]
10/21/04	--	CERTIFIED AND TRANSMITTED the complete record to the USDC for the District Court of Massachusetts consisting of one volume of pleadings, docket entries and transmittal letter via United Parcel Service, tracking no. 1Z6E25200391043500: Mailed copy of transmittal letter to counsel of record. (cdy) [Entry date 10/21/04]